



# HOUSE BILL No. 5746

September 14 1994 Introduced by Rep Nye and referred to the Committee on Judiciary

A bill to amend section 821 of Act No 236 of the Public Acts of 1961, entitled as amended

Revised judicature act of 1961,  
as amended by Act No 138 of the Public Acts of 1994 being  
section 600 821 of the Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 821 of Act No 236 of the Public Acts of  
2 1961, as amended by Act No 138 of the Public Acts of 1994 being  
3 section 600 821 of the Michigan Compiled Laws, is amended to read  
4 as follows

5 Sec 821 (1) The following probate judges shall not engage  
6 in the practice of law other than as a judge and shall receive  
7 the minimum annual salary provided in subsection (2)

8 (a) A probate judge of a county that is not part of a  
9 proposed probate court district described in section 807

1 (b) The probate judge in each probate court district in  
2 which a majority of the electors voting on the question in each  
3 county of the probate court district has approved or approves  
4 creation of the district

5 (c) ~~Beginning January 1, 1997, a~~ A probate judge in a  
6 county having a population of 15,000 or more, if the county is  
7 not part of a probate court district created pursuant to law

8 (d) Beginning January 1, 1997, a probate judge in a county  
9 having a population of less than 15,000, if the county is not  
10 part of a probate court district created pursuant to law

11 (2) The minimum annual salary for a probate judge shall  
12 equal 90% of the annual salary payable by the state to a circuit  
13 judge Six thousand dollars of the minimum annual salary pro-  
14 vided in this subsection shall be paid by the county or by the  
15 counties comprising a probate court district, and the balance of  
16 that minimum annual salary shall be paid by the state as a grant  
17 to the county or the counties comprising the probate court  
18 district The county, or the counties comprising the probate  
19 court district, shall in turn pay that amount to the probate  
20 judge

21 (3) The salary provided in subsection (2) shall be full com-  
22 pensation for all services performed by a probate judge, except  
23 as otherwise provided by law In a probate court district each  
24 county of the district shall contribute to the salary in the same  
25 proportion as the population of the county bears to the popula-  
26 tion of the district

1       (4) In addition to the salary provided in subsection (2) a  
2 probate judge may receive from any county in which the probate  
3 judge regularly holds court an additional salary determined by  
4 the county board of commissioners. The additional salary may be  
5 increased during a term of office but shall not be decreased  
6 except to the extent of a general salary reduction in all other  
7 branches of government in the county. In a county where an addi-  
8 tional salary is granted, it shall be paid at the same rate to  
9 all probate judges regularly holding court in the county. The  
10 additional salary granted to a probate judge pursuant to this  
11 subsection shall not cause the total of the probate judge's total  
12 annual salary from state and county funds to exceed 88% of the  
13 annual salary of a justice of the supreme court. However, an  
14 increase in the amount of salary payable to a judge of the pro-  
15 bate court caused by an increase in the salary of a justice of  
16 the supreme court resulting from the operation of Act No. 357 of  
17 the Public Acts of 1968, as amended, being sections 15 211 to  
18 15 218 of the Michigan Compiled Laws, after September 1, 1981,  
19 shall not be effective until February 1 of the year in which the  
20 increase in the salary of a justice of the supreme court becomes  
21 effective. If an increase in salary becomes effective on  
22 February 1 of a year in which an increase in the salary of a jus-  
23 tice of the supreme court becomes effective, the increase shall  
24 be retroactive to January 1 of that year.

25       (5) Except as provided in subsection (6), the state shall  
26 reimburse to a county paying an additional salary to a probate  
27 judge a portion of that additional salary in an amount provided

1 by law unless the additional salary including any  
2 cost-of-living allowance payable by that county causes the total  
3 annual salary of a probate judge to exceed 88% of the salary of a  
4 justice of the supreme court

5 (6) Notwithstanding the limitations of subsection (5) the  
6 state shall reimburse a county pursuant to subsection (5), even  
7 if the additional salary, including any cost-of-living allowance,  
8 payable by that county on September 1, 1981 causes the total  
9 annual salary of a probate judge to exceed 88% of the salary of a  
10 justice of the supreme court payable on September 1, 1981  
11 However, if the additional salary of a probate judge increases  
12 beyond the amount payable to the judge on September 1, 1981, and  
13 if the total annual salary of the judge exceeds 88% of the salary  
14 of a justice of the supreme court the county shall return to the  
15 state any amount paid under subsection (5) during that state  
16 fiscal year, and shall be ineligible to receive reimbursement  
17 under subsection (5) until the total annual salary of the probate  
18 judge does not exceed 88% of the salary of a justice of the  
19 supreme court